AMENDMENT AND PRESENTATION OF CLAIMS

Please replace all prior claims in the present application with the following claims.

1. (Currently Amended) <u>An apparatus comprising:</u> ~~A gaming device for playing a game including one or more parameters that affect a user's participation in the game, the gaming device comprising:~~

<u>at least one processor; and</u>

<u>at least one memory including computer program code for one or more programs,</u>

<u>the at least one memory and the computer program code configured to, with the at least one processor, cause the apparatus to perform at least the following,</u>

~~a memory storing a data structure that associates~~ <u>associate</u> each one of a plurality of device configurations<u> based, at least in part, on one or more capabilities of a device,</u> with a respective game configuration, wherein each game configuration differently specifies one or more parameters of ~~the~~ <u>a</u> game;

~~means for~~ identif~~ying the~~ <u>y a</u> current device configuration for the device;

~~means for using the data structure to~~ determine a current game configuration associated with the current device configuration; and

~~means for~~ controll~~ing~~ the game by setting parameters in the game as specified by the current game configuration.

2. (Currently Amended) A<u>n apparatus</u> ~~gaming device~~ as claimed in claim 1, wherein the game comprises gaming objects and the at least one game configuration specifies a parameter that creates a gaming object<u> based, at least in part, on the one or more capabilities</u>.

3. (Currently Amended)   A~~n apparatus~~ gaming device as claimed in claim 2, wherein the game comprises at least one user gaming object and the created gaming object affects an attribute of the user gaming object.

4. (Currently Amended)   A~~n apparatus~~ gaming device as claimed in claim 1, wherein the game comprises ~~at least one~~ a gaming object ~~and at least one~~ a user gaming object and ~~at least one the~~ game configuration specifies a parameter that affects an attribute of the gaming object or an attribute of the user gaming object.

5. (Currently Amended)   A~~n apparatus~~ gaming device as claimed in claim 1, wherein the apparatus is further caused to: ~~further comprising means by which the user~~

receive selection input; and

~~selects~~ select a sub-set of the parameters specified in the current game configuration for use as parameters in the game.

6. (Currently Amended)   A~~n apparatus~~ gaming device as claimed in claim 1, wherein the apparatus is further caused to: ~~further comprising means for updating the data structure~~

update the device configurations.

7. (Currently Amended)   A~~n apparatus~~ gaming device as claimed in claim 1, wherein the apparatus is further caused to: ~~further comprising means for~~

controlli~~ng~~ the game by setting parameters in the game as specified by one or more previous game configurations.

8.   (Currently Amended)   A~~n apparatus~~ gaming device as claimed in claim 1, <u>wherein the apparatus is further caused to:</u> ~~further comprising means for~~

temporarily controlling the game by setting parameters in the game as specified by a virtual game configuration associated with a virtual device configuration selected by the user.

9.   (Currently Amended)   A~~n apparatus~~ gaming device as claimed in claim 1, wherein the ~~means for~~ controlling <u>of</u> the game, ~~are operable to~~ <u>includes</u> setting parameters in the game as specified by the current game configuration at the instantiation of the game.

10.   (Currently Amended)   A<u>n apparatus</u> gaming device as claimed in claim 9, wherein the parameters set at the instantiation of the game are variable while the game is played.

11-12.   (Canceled)

13.   (Withdrawn)   A server, for controlling a game, comprising:

a memory storing a data structure that associates each one of a plurality of device configurations with a respective game configuration, wherein each game configuration differently specifies one or more parameters of the game;

means for receiving a current device configuration from a client device;

means for using the data structure to determine a current game configuration associated with the received current device configuration; and

means for controlling the game by setting parameters in the game as specified by the current game configuration.

14.   (Withdrawn)   A server as claimed in claim 12, wherein the server is a game server that is accessed for playing the game.

15.   (Withdrawn)   A server as claimed in claim 12, wherein the game is played locally at the client device and the means for controlling the game, controls the game by sending a message to the client device that defines the current game configuration and sets parameters of the game in the client device.

16.   (Withdrawn)   A client device, for playing a game and communicating with a server, comprising:

means for identifying the current device configuration for the client device; and

means for transmitting to the server information identifying the current configuration of the client device for controlling the game.

17-20.   (Cancelled)

21.   (New) An apparatus of claim 1, wherein the one or more capabilities of the device are based, at least in part, on one or more accessory devices.

22.   (New) An apparatus of claim 1, wherein the apparatus is further caused to:

detect an accessory device; and

modify the current device configuration based, at least in part on the detection.

23.   (New) An apparatus of claim 22, wherein the apparatus is further caused to:

update the gaming object based, at least in part on the modified current device configuration.

24.   (New) An apparatus of claim 23, wherein the accessory device includes a camera, a headset, a pen input device, a light, or a combination thereof.

25.   (New) An apparatus of claim 2, wherein the apparatus is further caused to:

detect a model of the device;

determine that a newer model of the device is available; and

decrease an attribute of the gaming object based, at least in part, on the determination.

26.   (New) An apparatus of claim 25, wherein the apparatus is further caused to:

receive an update message via a wireless interface, wherein the determination that a newer
   model is available is based, at least in part on the update message.